

### **Explanation of Circumstances**

Word of God Fellowship, Inc. (“WOGF”), licensee of low power television KSUD-LP, Salt Lake City, UT (Fac ID 72485), hereby requests special temporary authority to allow KSUD-LP to make temporary joint use of the channel of commonly owned full power television station KUTF(TV), Logan, UT (Fac. ID 69694), while WOGF completes construction of the displacement facilities for KSUD-LD.

On January 28, 2019, KSUD-LP went silent on channel 45 pursuant to a notice from T-Mobile of intent to begin 600 MHz operations. See File No. 0001843697. Although the Commission has approved WOGF’s displacement application for KSUD-LD, see File No. 0000051700, construction of that facility is not complete.

In its Order regarding channel sharing for secondary stations, the Commission indicated that the existing 30-mile restriction for secondary stations would apply to requests for a secondary station to serve as a channel sharee outside the auction context.<sup>1</sup> However, the Commission indicated that it would consider waivers under certain circumstances.<sup>2</sup> The FCC may grant a waiver for good cause shown.<sup>3</sup> The agency typically grants a waiver where the particular facts make strict compliance inconsistent with the public interest.<sup>4</sup>

Application of the strict criteria for channel sharing in this context will not serve the public interest because it will result in the loss of service for existing viewers of KSUD-LP while WOGF completes construction of KSUD-LP’s permanent facilities. As seen in Figure 1 below, although the transmission site for KUTF(TV) is located more than 30 miles from Salt Lake City, because KUTF(TV) is a full power station, its larger contour overlaps with a substantial portion of KSUD-LP’s contour. Therefore, allowing KSUD-LP to channel share with KUTF(TV) will result in a restoration of KSUD-LP’s service to a large portion of its viewership while it continues construction of its permanent facilities.

For the foregoing reasons, the Commission should grant the instant request and allow KSUD-LP to make temporary joint use of the channel assigned to KUTF(TV).

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<sup>1</sup> *Channel Sharing by Stations Outside the Broadcast Television Spectrum Incentive Auction Context*, Report and Order, 32 FCC Rcd. 2637 ¶ 45 (2017).

<sup>2</sup> *Id.* ¶ 46.

<sup>3</sup> 47 C.F.R. § 1.3.

<sup>4</sup> *N.E. Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).



Figure 1